

REMARKS:

Claims 1-11 and 13-18 have been examined. Claims 1, 17, and 18 have been amended therein. Claims 14-16 has been cancelled herein without prejudice or disclaimer, and therefore any specific objection and/or rejection against those claims are rendered moot.

35 U.S.C. §103(a) Rejections

Reconsideration of the rejection of claims under 35 U.S.C. 103(a) as allegedly being unpatentable over Schroner alone or in view of DeVries is respectfully requested.

Initially, it is noted that Applicant does not necessarily concur with the Office Action's analysis of these claims in view of applicable laws and regulations. Nevertheless, in order to expedite prosecution of the application, the now amended independent claims 1, 17 and 18 more clearly recite the distinct features of the present invention. More particularly, for example, the independent claim 1, now recites, *inter alia*, the following:

- “the opening further comprises an elastomeric seal that is at least partially located circumferentially around the opening and has an outer surface located exterior to the container and an inner surface located interior to the container”
- “applying a sufficient pressure upon an outer portion of the lid assembly so that the plug engages the elastomeric seal of the opening and contacts the outer surface of the elastomeric seal, and the elastomeric seal extends inward, toward a center of the opening and an interior region of the container,”
- “again applying a sufficient pressure upon an outer portion of the lid assembly so that the plug engages the elastomeric seal of the opening and contacts the outer surface of the elastomeric seal, and the elastomeric seal extends inward, toward an interior region of the container,”

Further, as pointed out in the Supplemental Reply filed October 28, 2010, Schroner fails to teach or suggest “[a] method of dispensing at least one solid dosage form” and fails to enable execution of such a method. In maintaining the 35 USC 103 claim rejections over Schroner, the office action asserts that the use of solid dosage forms would have been an obvious modification

to Schroner's method, and further states that "[i]t is to be noted the applicants does not show a specific solid form dosage either exiting the dispensing opening of the apparatus or the solid dosages stored in the container reservoir, furthermore the applicants drawings do not show how a single dosage form is dispensed from the apparatus individual as a structural feature." Applicant respectfully disagrees. Figures 5-7 of the drawings show, and paragraph [0022] of the published specification describe a dispensing action of a strip 12, which is one form of solid dosage. See claim 10.

The present amendment further distinguishes the claims over the cited references. Independent claims 1, 17, and 18 have each been amended to include the features of claims 14-16, which have been canceled. Each of the independent claims now requires that when the plug engages the elastomeric seal of the opening, it *"contacts the outer surface of the elastomeric seal, and the elastomeric seal extends inward, toward a center of the opening and an interior region of the container."*

In rejecting claims 14-16, the office action cites Schroner at column 6, lines 12-18, which states that "[i]n the closed position (not shown) of hinged lid 18, projection 34 formed on inner side 32 of hinged lid 18 extends at least partially into outlet opening 16. In doing so, the lip of outlet opening 16 and the raised portion 14 become elastically deformed, resulting in an especially good, efficient sealed connection." This portion of Schroner's disclosure merely states that the raised portion 14, cited as equivalent to Applicant's elastomeric seal, is deformed, not that any portion of projection 34, cited as equivalent to Applicant's plug, ever contacts an outer surface of the raised portion 14, and certainly not that raised portion 14 extends towards an interior of the container.

Finally, it is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

Accordingly, it is respectfully submitted that each rejection raised by the Examiner in the Office Action has been overcome and that the above-identified application is now in condition for allowance.

In view of the foregoing amendments and remarks, Applicants' attorney respectfully requests allowance of all pending claims. If such action cannot be taken, however, the Examiner is cordially invited to place a telephone call to Applicant's attorney to resolve any outstanding issue without the issuance of a further Office Action.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
GREENBERG TRAURIG, LLP

Dated: April 4, 2011

By: /Barry J. Schindler/
Barry J. Schindler
Registration No. 32,938

Mailing Address:
GREENBERG TRAURIG LLP
Met Life Building
200 Park Avenue, 34th Floor
New York, New York 10166
Phone: 212-801-9200
Fax: 212-801-6400